

Responses to Public Comments on SWRCB's Pilot Project Proposals February 4, 2005

1. California Rural Legal Assistance

Commenter asks that Water Board consider the social impacts of agricultural land retirement on farm workers and their families. Also, that the Water Board examine the water rights system whereby water right holders have a greater say in water use decisions than members of a community without established water rights.

The feasibility of considering social impacts on farm workers and their families will depend on the availability of resources, meaningful and relevant data, and science-based tools and methods, and will be limited by the time constraint of the pilot project. One of the goals of the water Board pilot projects is the development of new public participation processes whereby all members of the public can have a say in water issues, including water rights issues and the social impacts of environmental decision-making.

2. Environmental Justice Coalition for Water

Commenter asks that the Board refine its proposed pilot regarding the Klamath River by including tribal input and addressing tribal issues. Commenter is concerned about whether the definition and scope of the pilot project might be too narrow to approach the most serious environmental justice issues in the region. Commenter asks that the project address:

- Negative impacts caused by the massive interventions in the natural flows of rivers in northern California;
- Water quality impacts of dam operations on traditional diet and on the Tribal culture of Native Californians living in the region;
- Development of innovative approaches to dealing with the health impacts of contaminated fish consumption; and
- Cleaning up legacy toxic wastes.

Commenter points out that cultural and social impacts of water uses need to be considered, on an ongoing basis, and in the pilot project. Lastly, commenter states its belief that environmental enforcement and procedural standards vary greatly depending on the race and relative socio-economic positions of the involved communities.

The Water Board appreciates these comments and will consider them as we move forward on the pilot projects.

3. International Indian Treaty Council

Commenter proposes working with the Pit River Indian Tribe to address mercury contamination in Northern California. The commenter proposes focusing on abandoned gold and mercury

mines which produce toxic runoff containing mercury, bioaccumulation of mercury, and health affects caused by mercury contamination of food and water.

While we appreciate the Pit River proposal, the Water Board is forwarding pilot project proposals for the New River and Klamath River projects at this time.

4. Karuk Tribe of California

Commenter asks the Water Board to consider the impacts of the five existing hydroelectric plants located upstream from the Karuk. The Tribe receives no hydroelectric power generated by the plants, yet the plants do not allow fish passage and prevent tribal trust fish species to thrive. Commenter also states that the dams negatively impact water quality conditions and limit traditional religious practices. Lastly, commenter states that Tribal members suffer from the release of pesticides, herbicides, and heavy metals into the river system.

The Water Board's proposed Klamath pilot project includes the Karuk Tribe. The proposed pilot includes consideration of the hydroelectric plants as well as health impacts on tribal members, particularly children.

5. SF Power

The Commenter recommends that the Pilot projects include a study to determine whether low-income communities could effectively identify and implement dispersed measures to reduce polluting air emissions and/or reduce water consumption.

While an interesting concept, the Water Board is not recommending this proposal for a pilot project.

6. Self-Help Enterprises

Commenter raises several questions regarding the methodology whereby the Water Board determined to have a pilot project in north central California. Commenter also would like the Water Board to consider the San Joaquin Valley for a possible pilot. Lastly, commenter believes that the selected pilot communities should receive benefits as a result of their participation, such as expediting of solutions to long-term problems and priority in funding decisions.

CalEPA has sought to geographically distribute EJ pilot projects throughout the entire state. Each board, department, and office within CalEPA was asked to focus its pilot project efforts on a particular area of the state. The Water Board is proposing two pilot projects, to be carried out simultaneously, in both the north and south areas of California. The Water Board believes that the selected pilot communities will benefit from participation derived from a focused examination of issues and collaborative development of solutions. In response to the specific questions:

Q. What is the geographical definition of north central California?

A. North Central California is the north end of the Sacramento Valley and the north end of the eastern Sierras.

Q. Does this include Fresno and Tulare County?

A. No.

Q. Why was this area targeted?

A. Cal/EPA sought a geographic distribution of projects throughout the State.

Q. Can other parts of the State be targeted?

A. Cal/EPA requested project proposals from throughout the State. The Water Board will conduct two projects one in northern and one in southern California.

Q. How broadly is "water resources management" defined?

A. Water resources management includes decisions, actions or activities affecting water use, water quality and water availability, which are under the statutory authorities assigned to the Water Boards.

Q. Can it include drinking water quality issues?

A. No, the regulation of drinking water quality resides in the Department of Health Services. Only to the extent that a drinking water issue falls within the statutory authority of the Water Boards would it be considered in a pilot project.

Q. Can pilot projects look at synergistic causes of health issues (e.g.: air and water)?

A. Yes, the pilot projects will look to multi media affects.

Q. Will there be any advantages to the community or tribe for participating as a pilot project?

A. Yes. The community or Tribe will be a study center for defining public participation, application of precautionary approaches, and establishing strategies to address children's environmental health impacts. Hopefully, through this process, real environmental problems will be resolved benefiting the community.

Q. Will there be additional or prioritized funding for community or tribe to solve problem(s)?

A. Although no specific funding has been identified, staff resources of the Water Boards will be used to carryout the pilot projects.

Q. We request that this category be broad enough to include pilot projects that serve EJ communities in the San Joaquin Valley. We also suggest that the pilot project be structured to help expedite a long-term solution to problems and be structured in such a way to prioritize funding for these long-term solution(s) in the tribe or rural community addressed in the pilot project.

A. While the pilot projects of the Water Boards are not in the San Joaquin Valley, other pilot projects are.

7. Public Trust Alliance

Commenter would like the Water Board to consider the unfair impacts of the diversion of water for hydroelectric and agriculture purposes. Environmental justice issues are created when all members of the public and tribes are not involved in decisions regarding hydroelectric plant siting and agricultural water diversions. Specifically, the commenter is concerned that the “public interest” has been defined too narrowly to the detriment of native tribes.

The goal of the Klamath pilot project is to effectively involve the Klamath River Tribes in the development of actions to restore fishery habitat and consequently fishery production in this important Pacific-Northwest watershed. This will include review of diversions water for hydroelectric and agriculture.

The goal of the New River project, while not focused on hydroelectric power, seeks to establish a collaborative effort to increase public awareness/participation efforts to reduce environmental and health impacts from pollution in the New River. This will include a Local Advisory Group comprised of community, government and Tribal members impacted by decisions or activities along the New River.

One of the main objectives of each of these projects is to look for better and more useful methods of engaging members of the public and tribes in the development of solutions to environmental issues. The Klamath pilot anticipates that all six tribes who have lands and/or interests in the Klamath River watershed will partner with the Water Board in this effort, while the New River project seeks to partner with tribes and members of the environmental justice community affected by health and contamination issues.

8. Western Plant Health Association

The Commenter recommends that the pilot projects be conducted in an accessible and transparent process with understandable and objective science and information. The pilots should utilize advisory groups. The Pilot projects should be aware that each project is only a replicate of one community, when California is made up of very diverse communities. The pilots should avoid generalizations being made about communities based on only one community, should utilize sound science, existing research in the area of the pilot project, peer review and look at multi media cumulative impact analysis.

The Water Boards appreciate this input and will try to utilize these suggestions in the New River and Klamath projects.